

REED SMITH LLP
3110 Fairview Park Drive
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September 1, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of)	
)	
YAMAMOTO et al.)	Art Unit 3742
)	
Application Number: 09/873,206)	Examiner Hoang, Tu Ba
)	
Filed: June 5, 2001)	
)	
For: OPTICAL MEASUREMENT DEVICE)	
)	
Attorney Docket No. NIPP.0001)	

**Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231**

**RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED
CLAIM FOR PRIORITY
PURSUANT TO 37 C.F.R. § 1.78(a)(3) and 1.55(c)**

Sir:

In response to the decision rendered on April 6, 2004, and pursuant to to a telephone conference with the Petitions Examiner, Ms. Karen Creasy, on September 1, 2004, Applicants hereby submit a Renewed Petition to Accept an Unintentionally Delayed Priority Claim in conjunction with the original Petition filed on August 28, 2003, and the Supplemental Petition filed March 16, 2004. Applicants are respectfully requesting that the Commissioner (1) accept the above-Unintentionally Delayed Claim for Priority; and (2) grant the claim of priority to PCT/JP99/06749 filed on December 1, 1999, which claims the priority of Japanese Patent Application 10-347299 filed December 7, 1998.

Applicants had previously filed a Petition to Withdraw the above-referenced application from issue along with a Request for Continued Examination and an Amendment to amend the specification to claim priority to applications and dates mentioned above also on March 16, 2004. The Petition to Withdraw was granted on April 6, 2004.

In accordance with the telephone conference with Petitions Examiner Creasy, attached hereto is a Supplemental Amendment to properly claim priority to the PCT Application No.

PCT/JP99/06749 filed December 1, 1999. Priority to the original Japanese Application No. 10-347299 filed December 7, 1998, was set forth in the original declaration for patent application filed June 4, 2001. The above-referenced application is the US national stage of the PCT application, and is not a continuation, divisional or continuation-in-part.

Applicants believe that they have fulfilled all of the requirements of 37 C.F.R. §1.78(a)(3) as well as 37 C.F.R. §1.55(c), and respectfully requests that the Unintentionally Delayed Request for Priority be accepted, and that the claim for priority be granted.

While it is respectfully believed that no fee is required for filing this Renewed Petition, please charge any fees or credit any overpayments in connection with this paper to Deposit Account No. 08-1480.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344



Juan Carlos A. Marquez
Registration Number 34,072

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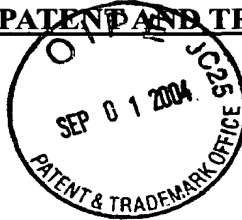
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Art Unit 3742

Examiner Hoang, Tu Ba

**Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231**

SUPPLEMENTAL AMENDMENT

Sir:

In connection with the Renewed Petition to Accept an Unintentionally Delayed Claim for Priority, attached hereto, and in conjunction with entry of the Request for Continued Examination previously transmitted on March 16, 2004, please amend the above-identified application as follows:

IN THE SPECIFICATION

Please insert before FIELD OF THE INVENTION of page 1 of the disclosure currently on file with the following paragraph:

This application is the US National Stage for and claims the priority date of the PCT application number PCT/JP99/06749 filed on December 1, 1999, under 35 U.S.C. § 120.

REMARKS

Further to a telephone conference with the Petitions Examiner, Ms. Karen Creasy, on September 1, 2004, Applicants are amending the specification to incorporate the disclosure and claim the priority of the prior applications by reference. Applicants further submit that the amendment being presented herewith is directed only to correcting an administrative error and not to matter that would require substantive reconsideration of the application.

Also further to the above-noted telephone conference, the above-referenced application is the US national stage of the PCT application, and is not a continuation, divisional or continuation-in-part.

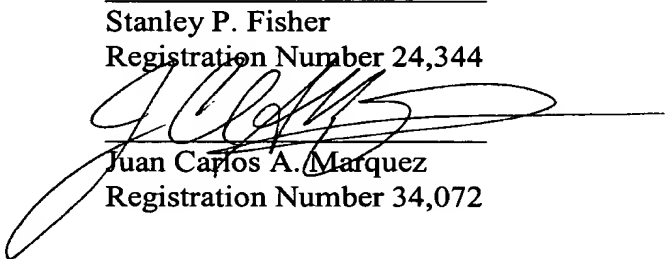
In view of the above amendment and the following remarks, Applicants respectfully request that the above-outlined amendment be given due consideration, that the allowability of the amendment be indicated, and that the issuance of this allowed application be cleared to proceed.

Applicants wish to thank Petitions Examiner Creasy for her kind consideration in her discussion with Applicants' undersigned representative.

Favorable consideration of the above amendment is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the issuance of the above-captioned allowed application, the Office is invited to contact the Applicants' undersigned representative at the address and telephone number indicated below.

Respectfully submitted,

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Registration Number 24,344



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